

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ABDEL OUHAB SALAMEH,

Defendant.

:

Case No. 3:04-cr-012(8)

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

REPORT AND RECOMMENDATIONS

This case came on for hearing at 9:15 A.M. on Friday, April 29, 2005, on the Plea Agreement between Defendant and the United States. The parties unanimously consented to having the United States Magistrate Judge accept the guilty plea.

After a plea colloquy pursuant to Fed. R. Crim. P. 11, the Defendant changed his plea to guilty to the offense charged in Count 1 of the Indictment. The Magistrate Judge concludes the plea of guilty was knowing, intelligent, and voluntary and respectfully recommends that it be accepted. After reading the Statement of Facts agreed to by the parties, the Magistrate Judge concludes that they represent an adequate factual basis for a finding of guilt. Accordingly, the Magistrate Judge respectfully recommends that Plea Agreement be accepted, that the Defendant be found guilty on Count 1 of the Indictment, and that Counts 2 and 3 of the Indictment be dismissed as to this Defendant.

The Defendant was referred to the United States Probation Service for a pre-sentence investigation and the terms of his release were continued. He and counsel were advised that

sentencing is set for September 2, 2005, at 2:00 p.m.

April 29, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).